



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTERNATIONAL BOTTLED WATER ASSOCIATION,
NESTLE WATERS NORTH AMERICA, INC., and
POLAR CORP. d/b/a POLAR BEVERAGES,

Plaintiff,

AMERICAN BEVERAGE ASSOCIATION,

Intervenor-Plaintiff,

-against-

09 Civ. 4672 (DAB)
ORDER

DAVID A. PATERSON, in his official capacity
as Governor of the State of New York, et al.,

Defendant.

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DEBORAH A. BATTS, United States District Judge.

The Court is in receipt of the June 22, 2009 letter from counsel for the Neighborhood Recycling Center, Inc. d/b/a Neighborhood Redemption Center ("NRC"), asking that the Court waive its pre-motion conference requirement and that NRC be permitted to file a motion to intervene as a Defendant. The Court is in further receipt of the opposition to that letter dated June 23, 2009 from the American Beverage Association ("Beverage Association"), the reply letter of June 24, 2009 from the NRC responding to the Beverage Association, and the letter of June 25, 2009 of Plaintiff International Bottled Water Association ("IBWA") also opposing intervention of NRC. In addition, on June 25, 2009, the Court received a letter from counsel for the Food Industry

Alliance of New York State, Inc. ("FIA") and Empire State Beer Distributors Association, Inc. ("Empire") seeking to modify the preliminary injunction (pursuant to Rule 60(b)) or to move to intervene under Rule 24. The Court also received the June 30, 2009 letter of the Beverage Association in opposition FIA and Empire's request. Then, today, the Court received a proposed Order to Show Cause from NRC along with Bottle and Can Redemption Co. of NYS d/b/a Bottle and Can Redemption Association, proposing that they be permitted to intervene as Defendants and seeking modification of the Preliminary Injunction.

The Parties currently before the Court are in serious settlement negotiations. The Court finds that the additional parties seeking intervention have interests that are more than adequately represented by the Parties before the Court currently. Accordingly, no motions to intervene shall be entertained by the Court at this time.

SO ORDERED.

Dated: New York, New York

July 7, 2009

Deborah A. Batts
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United States District Judge